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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

ROBERT L. MORGAN
Executive Director

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State Engineer/Division Director

March 18, 2004

Robin Bradshaw, President
Kent's Lake Reservoir & Irrigation Company
PO Box 421
Beaver, UT 84713

Minersville Reservoir and Irrigation Company
PO Box 83
Minersville, UT 84752

Mark Truman, President
Rocky Ford Irrigation Company
PO Box 49
Minersville, UT 84752

Re: Storage in Three Creeks and Rocky Ford Reservoirs

Gentlemen:

At the Beaver River Distribution System annual meeting held on February 17, 2004, we agreed to review the storage rights on the Beaver River and prepare instructions for the water commissioner prior to April 1, the start of the irrigation season.

We have reviewed the information available in our water right records and the information submitted by Mr. Mike Quealy and Mr. John Mabey on behalf of their clients, Rocky Ford Irrigation Company and Kent's Lake Reservoir and Irrigation Company, respectively.

Enclosed is a chart we have developed in an effort to clarify and explain the relative storage rights between Three Creeks Reservoir and Rocky Ford Reservoir. The chart attempts to show the relative priority of the storage rights or the order in which water can be stored in the reservoirs. The chart is based on the water right records, the court decrees, and the 1953 agreement between Rocky Ford Irrigation Company and Kent's Lake Reservoir and Irrigation Company.

The 7500 acre feet of storage for Minersville Reservoir and Irrigation Company is shown at a higher or earlier relative priority than the 1193 acre-feet of storage in Three Creeks reservoir (the direct flow rights changed to storage) because Minersville Reservoir and Irrigation Company is not a party to the 1953 agreement.

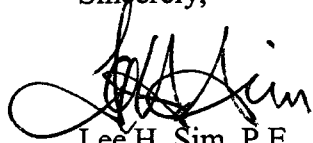
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This chart is a draft at this time, but it would be our intention to make it the basis of our instructions to the water commissioner concerning storage of water during the 2004 irrigation season. Before we finalize this action we would like to give the parties involved an opportunity to review the chart and then hold a meeting to discuss it. We have scheduled a meeting for **Monday, March 29, 2004 at 1:00pm**. The meeting will be held in the

**Beaver City Council Chambers
60 West Center Street
Beaver, Utah**

If you have any questions concerning the meeting please contact me by phone at (801)538-7380 or by e-mail at LeeSim@utah.gov.

Sincerely,



Lee H. Sim, P.E.
Assistant State Engineer for Distribution

cc: Beaver City Corporation
PO Box 271
Beaver, UT 84713-0271

Ron Roberts, Water Commissioner
Beaver River Distribution System
PO Box 605
Beaver City, UT 84713

Kerry Carpenter, Regional Engineer
P.O. Box 506
Cedar City, Utah 84721-0506

Mike Quealy
Parsons, Behle & Latimer
P.O. Box 45898
Salt Lake City, UT 84145-0898

John Mabey
265 East 100 South
Suite 300
Salt Lake City, UT 84111

BEAVER RIVER RELATIVE PRIORITY OF STORAGE

THREE CREEKS RESERVOIR

77-408 (a10425) 77-1662 77-1818 priority 1890	*
	325 AF from Twin Lakes 4/1 - 6/30
77-177 (a1413) priority 1890	* **
	830 AF from Kent's Lake 4/1 - 6/30

ROCKY FORD RESERVOIR

This chart represents the relative order of storage rights between Three Creeks Res. and Rocky Ford Res. Earliest rights are at the top and successive rights are shown going down the page. Rocky Ford rights may store whenever water is available. A Three Creeks right shown below a Rocky Ford right may not be used for storage until the upper Rocky Ford right is filled. Symbols at the top of each water right "box" refer to conditions or explanations shown at the bottom of the page.

1953 Kent's Lake / Rocky Ford Agreement	77-181 (a2752) 77-182 (a2753) 77-183 (a2754) 77-184 (a2755) 77-185 (a2764) priority 1890	* *** #	7500 AF Minersville Res & IC	71-2445 priority 1870	1953 Kent's Lake / Rocky Ford Agreement
		1193 AF direct flow changed to storage up to 42.2 cfs 4/1 - 10/31	##	71-1948 priority 1907	
		* ###	###		
		up to 15% of water available for storage	85% of water available for storage		
	Three Creeks Reservoir limited to fill one time each year				

CONDITIONS / EXPLANATIONS

- * If flow measured at USGS gauge at mouth of Beaver Canyon is greater than or equal to 161.31 cfs
- ** Storage rate limited to flows which are available on South Fork (not diverted to Kent's Lake Reservoir)
- *** The flow measured at the USGS gauge is equal to the measured flow plus the direct flows being stored in Three Creeks Reservoir
- # The water delivered in the Beaver area above Patterson Dam is equal to the water rights in priority minus any direct flow rights being stored in Three Creeks Reservoir
- ## The 20,120 AF level is the April 1 reservoir content plus all reservoir inflows (water use is disregarded)
- ### The total water available for storage is equal to (Three Creek Reservoir inflows minus outflows) plus (Rocky Ford Reservoir inflows minus outflows)

WATER COMMISSIONER RESPONSIBLE TO MEASURE AND RECORD:

Three Creeks Reservoir Inflows & Outflows
Rocky Ford Reservoir Inflows & Outflows
Three Creeks Reservoir Content

Flows bypassing Kent's Lake Reservoir on South Fork
Flows at the USGS gauge at Beaver Canyon mouth
Rocky Ford Reservoir Content